

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
APRIL 28, 2015
MINUTES**

PRESENT:

Jay Diener, Chair
Peter Tilton, Vice Chair
Barbara Renaud, Clerk
Diane Shaw
Gordon Vinther
Nathan Page, Alternate

Also Present: Rayann Dionne, Conservation Coordinator
Mary-Louise Woolsey - Selectmen Representative

CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Chairman, Jay Diener, at the Town Hall Selectmen's Meeting Room.

REVIEW OF MINUTES:

MOTION: It was moved by Ms. Shaw to approve the March 24, 2015 Minutes with edits provided.

SECOND: Ms. Renaud

VOTE: 4 in favor, 2 abstain (Mr. Page and Mr. Vinther) **MOTION PASSED**

APPLICATIONS:

- 1. 1058 Ocean Blvd. Jon, Curt and Betsy Springer. Expand porch width by 6 ft., add a handicap ramp (10' x 3') and installation of a permeable paver walkway, ramp landing, and patio area. This is a NHDES Standard Dredge and Fill application and Town Wetlands Permit.**

Present was Curtis H. Springer, who is the owner of record with his brother and sister. He explained that the house is an old beach house built in 1923. He provided a photo to the Commission. He stated that his mother is handicapped and the family wants to have good access for her and a wheelchair to the dwelling and beach. He stated the ramp will go out, meeting with the path, and a pervious surface will be installed along the side of the house down to the seawall. He said he is open to suggestions from the Commission, and the main concern is for wheelchair access.

Ms. Dionne stated this lot is one of the most conforming lots on the beach and the project is outside the 50 foot buffer. Ms. Dionne circulated a sheet describing a removable mat, designed for temporary wheelchair (and other) access across sand and other permeable surfaces. This material is light enough that it can be easily removed during the off-season or in advance of storms. She had provided Mr. Springer with the same information previously, and he agreed that it was a good alternative to a permanent, impermeable patio.

PUBLIC COMMENT. No public comment.

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MOTION: Motion was made by Ms. Renaud not to oppose the DES Wetlands Permit for the property located at 1058 Ocean Boulevard to expand the porch width by 6 ft. and add a handicap ramp (10'x 3') and installation of a permeable paver walkway, ramp landing, and permeable patio area.

AMENDED MOTION: Mr. Page moved to amend the motion not to oppose the DES Wetlands Permit for the property located at 1058 Ocean Boulevard to expand the porch width by 6 ft., add a handicap ramp (10'x 3') and installation of a permeable paver walkway, ramp landing, and patio area with the condition that the proposed patio be constructed using either a permeable or portable/removable material and that the Commission be notified at the beginning and end of the project.

SECOND: Mr. Tilton

VOTE: 5 in favor, 1 abstain (Mr. Diener), 0 opposed

MOTION PASSED

MOTION: Mr. Tilton moved to recommend approval of the Town Wetlands Permit for the property located at 1058 Ocean Boulevard to expand the porch width by 6 ft. add a handicap ramp (10'x 3') and install a permeable paver walkway, ramp landing, and patio area with the following conditions:

1. The patio area shall be constructed using either a permeable or portable/removable material.
2. Install two Wetlands Conservation District markers at the wetland buffer edge along the north and south property boundaries. The markers can be purchased at the Hampton Planning Office.
3. The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed.
4. There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surface, etc. in the buffer, other than that shown on the approved plan. A new Wetlands Permit is required for the erection of any additional structure(s) in the buffer.
5. The Conservation Commission shall be notified in writing upon commencement and completion of the project. A final inspection shall also be scheduled with the Conservation Coordinator upon completion of the project.
6. This permit will expire two years from the date that it is granted by the Planning Board. Refer to Hampton Zoning Ordinance Section 2.3.5 for information on permit extension

SECOND Ms. Renaud

VOTE: 5 in favor, 1 abstain (Mr. Diener) 0 opposed

MOTION PASSED

2. 10 Ancient Highway. Peter and Rita Cary, Agent – Ambit Engineering. Partial replacement of the existing single family residence with 1,294 sf of permanent impact and 500 sf of temporary impact between 50' and 100' HOTL setback. This is a NHDES Minimum Expedited application.

Present were: Steve Riker from Ambit Engineering and owners, Peter and Rita Cary

Mr. Riker stated that the plan is to replace the current structure with one slightly larger but more conforming. The concrete pad currently which is 409 sf will be reduced to 49 sf and the side steps will be removed. The impervious coverage will be reduced from 55.7% to 50%. No work is proposed for the 50' buffer area.

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Mr. Diener stated his impression that this was going to be a partial rebuild, and Mr. Cary stated that some repair work will be done to the structure; however, the shell is identical and the new construction will be back toward the road. He also stated there will be no equipment on the beach and the side stairs will be removed. Mr. Cary also stated there will be a need for a permanent generator and air conditioner and the same concrete pad that is now there will be used once the propane tank is removed.

PUBLIC COMMENT: There was no public comment.

MOTION: Mr. Tilton moved to authorize the Chair sign the NHDES Minimum Expedited application for the property located at 10 Ancient Highway for the partial reconstruction of the existing single family residence with 1,294 sf of permanent impact and 500 sf of temporary impact between 50' and 100' HOTL setback.

SECOND: Mr. Page

VOTE: 5 in favor, 1 abstain (Mr. Diener), 0 opposed

MOTION PASSED

3. 4 Ocean Drive. 4 Ocean Drive, LLC Agent – Gove Environmental. Redevelopment of the site by tearing down the existing single family home and construction of a new residence. This is a NHDES Standard Dredge and Fill application and a Town Wetlands Permit.

Present were James Gove, Gove Environmental; Peter Zohdi and Mr. Gendron of Edward N. Herbert Associates, Windham.

Mr. Zohdi provided the Commission with photographs of the property proposed to be demolished. He stated FEMA Benchmarks were found and he is confident that the base flood elevation is 12 based on the topography.

The Building Inspector assured Mr. Zohdi that he could not get a building setback variance; therefore, they cut the corner of the structure as shown in the plan presented this evening. The architect stated that if they want to build, they must comply. Further, they are complying with setbacks in that they are 10 feet from property lines which is in compliance. The existing lot is 10,600 SF, plus or minus, and the existing impervious area on the plan is 4820 sf which is 45.57% of the lot. The 50' buffer has 3,885 sf, of existing impervious surface.

He pointed on the plan to the areas which will be temporarily and permanently impacted explaining that when digging a foundation there will be an additional temporary impact because you have to dig further, then backfill. He also stated that the deck is porous in front and the back deck is nonporous and will remain as such. Mr. Zohdi pointed out the locations of the dry wells which will take water draining from the roof and there would be a drip edge with 2 feet of stone around the perimeter of the building. Both decks are included in the sealed surface area. The house will be built on a slab.

Mr. Zohdi reported that they applicant has obtained the NHDES Shoreland Impact Permit which he provided this evening.

On questions from the Commission, Mr. Zohdi stated that the garage is by the front door; it is an all-season residence; the snow will be stored to the side of the dwelling or may be trucked off site, it was recognized that there is very little room for snow storage; and, only the porous pavement does extend beyond the property line and will require BOS approval to be within the ROW. With regard to mitigation within the 50 foot buffer, Mr. Zohdi stated that the drip edge and roof drain will bring water to 4 foot deep dry wells with grates. There are four dry wells. Mr. Zohdi also stated he will speak with the Building Inspector regarding

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the height of the house. The proposal by the architect is 33 feet to the top of the roof. With regard to changing grades, Mr. Zohdi stated that the average elevation is 16, first floor at 15.

Mr. Diener said that the building is close to the lot line and he is concerned about the run off to the abutter's property. Mr. Zohdi said that there will be no impact and there is no slope. Mr. Zohdi also stated that the boardwalk and steps will remain the same.

Ms. Shaw stated that the proposed dwelling vs the current dwelling is "busier" and she is reserving judgment.

Ms. Dionne stated that she would prefer that there be no increase in sealed surface; and if there is going to be an increase, there should be a reduction elsewhere. Based on the elevation drawing, it does not appear that the front deck is truly open below. She feels there is more proposed development within the 50 foot buffer than currently exists. She noted there are many alternatives, i.e. a different type of decking. Further, she would like to see vegetation or crushed stone in the area under the deck.

Mr. Page also spoke his concerns with the deck under the archway and would prefer vegetation.

Ms. Renaud pointed to the bump out storage in the back for outdoor furniture storage, commenting she does not see where that area is permeable. She noted there is an additional 735 sf of impervious surface proposed in the buffer and encouraged further mitigation be done. She stated she can understand the decks at the levels and locations as proposed, but to have them enclosed does not meet the concept of permeability.

Mr. Zohdi stated they are trying to be environmentally friendly noting that the house is basically zeroed out as far as run off is concerned.

Mr. Diener said to look at what was currently in the 50 foot buffer as well as what is proposed, there is a sizable increase.

Ms. Shaw commented that the lot is overused and that the portion in the buffer is too great with no mitigation. .

PUBLIC COMMENT:

Chris Whitley of 79 Plymouth Street, abutting the applicant's property said that the applicant has been very helpful and gracious; however, the biggest concern is the side deck which comes within 10 feet of the property line. He stated that there is something to be put on every square inch of the surface. He stated something should be done with the deck in that people in the house behind will now have no view. He suggested something be done with the deck to conform to the 50 foot setback and keeping elevations somewhat lower. Mr. Whitley also commented that if all the runoff is going into the drywell and seeping into the ground, it could flow into the basements of other properties.

Mr. Diener pointed out that the issue of the views is not part of the Conservation Commission's purview. Based on the current drawings, the proposed building meets all of the property line setbacks required by Zoning.

Mr. Tilton stated he does not have big issue with the decks as long as the storm water is being infiltrated either through drywells or permeable materials.

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Mr. Vinther stated that one-half of the side deck is in the buffer, and there need to be modifications to the side deck. Mr. Zohdi responded that there are 154 sf in the buffer.

Ms. Dionne stated there are opportunities to open the areas under the front deck and have half storage and half vegetation on the side deck. It is up to the applicant to balance the sealed surface numbers between proposed sealed and existing conditions such that there is a zero increase.

Mr. Zohdi stated they have no problem with the proposals regarding the deck and the area could be changed to a vegetated area.

There was continued discussion regarding vegetation in the deck areas, as well as a discussion about the stone frontage in the arch area being reduced in size to increase the amount of daylight under the front deck.

Mr. Page said he could not vote in favor of the permit with this much expansion in the buffer. There would be less impact if the house were pulled back on the lot.

Ms. Dionne stated if the applicant was agreeable in changes to the deck, the project would only be looking at 171 sf additional sealed surface instead of 735 ft.

Ms. Renaud asked if the water comes over the wall in storm events and commented on the potential for erosion. , Mr. Whitley said the water does splash over and the jetty causes issues with erosion. Mr. Tilton said the property is not taking hard waves, but rather blowing water

Mr. Zohdi stated that the owner wants to build this house and he will speak with the owner as well as the architect regarding the suggested changes.

MOTION: Mr. Page moved to deny the NHDES Standard Dredge and Fill application permit for the property located at 4 Ocean Drive.

SECOND: Mr. Vinther

VOTE: 4 in favor, 2 abstain (Mr. Diener and Mr. Tilton)

MOTION PASSED

MOTION: Mr. Page moved to recommend the Planning Board deny approval for the Town Wetlands Permit for the property located at 4 Ocean Drive.

SECOND: Ms. Shaw

VOTE: 5 in favor, 1 abstain (Mr. Diener)

MOTION PASSED

Ms. Dionne suggested that the applicant could 'continue' their application if they would prefer to come back next month with the revised plans, based on the Commission's comments.

Mr. Diener explained to the applicant's representative that this application could go forward to the Planning Board without a recommendation by the Commission, or the applicant may choose to continue the Hearing and return to the Conservation Commission next month with modifications as recommended this evening. Mr. Zohdi, speaking for the applicant, stated they will come back to the Conservation Commission in May.

MOTION: Ms. Renaud moved to rescind the above vote on the Town Wetlands Permit and allow the applicant to present a plan with modifications and continue the hearing to May 26, 2015. Further, a letter will be written by the applicant to the Planning Board asking this matter be postponed.

SECOND: Ms. Shaw

VOTE: 5 in favor, 1 abstain (Mr. Diener)

MOTION PASSED

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MOTION: Mr. Page moved to rescind the vote to oppose the NHDES Standard Dredge and Fill application permit and continue discussion at the May 26, 2015 meeting. Further, that a letter be written by the applicant to the NHDES requesting they delay their decision pending further discussion by the Conservation Commission.

SECOND: Mr. Vinther

VOTE: 5 in favor, 1 abstain (Mr. Diener)

MOTION PASSED

APPOINTMENTS.

- 1. 44 and 50 Timber Swamp Road. Michael and Susanna Dunbar. Agent – Jones and Beach Engineering Inc. 3 lot Subdivision. Review subdivision layout in relation to wetlands and verify whether a Town Wetlands Permit is necessary.**

Mr. Diener stated that Ms. Dionne went to the PRC meeting and looked at the plans for the above three-lot subdivision. It was proposed that work would not be done in the buffer, but Ms. Dionne said they were extremely close to the buffer and wanted to discuss possible temporary impacts. The applicants are convinced they are not within the buffer and have chosen to go straight to the Planning Board for review.

Ms. Dionne stated that at the PRC meeting, she shared with the Engineering firm that she was not confident the poorly and very poorly drained soils had been mapped using the updated definition and asked they come before the Conservation Commission. Part of the reason why they are not applying to the Commission is because they were supposed to get a letter from soil scientists. She also noted that the Fire Department has concerns with the width of the road, which is a common driveway; and because of this, the applicant will almost certainly have buffer impacts if it is necessary to widen the road.

In view of the above, Ms. Dionne realized that the Commission has not been requesting reports or logs/notebooks regarding wetland delineations and have taken delineations from engineers as they were presented. There have been some inconsistencies showing up on permit applications for logs and reports. When she asked for logs and reports, it was commented that something would be put together and she was given the perception that no log book or notes were being kept. She is concerned that if there is minimal notes on why and where wetland flags are placed then this adds to the uncertainty as to whether wetlands are being mapped properly. These delineations also play a critical role in determining whether a lot is buildable or not. Ms. Dionne feels that, in the future, the Commission should request logs and documentation regarding delineations. She also noted that other towns' Conservation Commissions are also having difficulties with delineations. The Commission agreed that we should start asking for delineation report/logs with all applications.

OLD BUSINESS.

a. 2016 Warrant Articles:

Suggestions include:

- Increase/expand inland freshwater buffers from 50 feet to 100 feet, including redevelopment or new subdivisions; and,
- Septic System setbacks increased to 100 ft. Also take another look at how contiguous square footage is determined for building lots to prevent 'choke points' that are too narrow. Mr. Tilton suggested taking another look at a "2-to-1" ratio formula.

b. Summer / Conservation easement internship.

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Mr. Diener stated he has spoken with Cory Riley, who said interns are commonly paid \$11 - \$12 per hour. He said this may be handled through the budget or grants. Ms. Renaud stated that a grant is the way to start, and Mr. Diener said the Commission will try to apply this summer for next summer or try to get into the budget process. It is proposed the intern would work 20 hours per week for 8 weeks. The Commission felt this project would be better funded through grants.

NEW BUSINESS.

a. PREP - Local Grants

Mr. Diener and Ms. Dionne reported that the Commission is looking at eligibility a PREP grant for the Community Rating System (CRS) project. The grant required a 25% (\$2500) match with cash. The rest of the match can be covered with hours worked. The project may involve public outreach, etc. Hampton would use the grant to hire the Rockingham Planning Commission to help with the CRS application process. The Grant has to be by June 5th. Ms. Dionne may go to the Beach Village District and/or the Board of Selectmen to ask for a contribution toward the \$2500.

b. Land between Route 101 and North Hampton – Strategy

Some lots will come up for tax taking in June. More information will be available at that time.

c. Rain Garden Cost-Share Grant

Ms. Dionne reported that three applications have been received for the Rain Gardens, all properties are residential. The applications will be reviewed and two of the residences may be chosen. DES is providing support in design and installation. A date for a site walk will be determined and the Commission will be notified.

d. Draft Education slides for Channel 22 Review - sample slides and choosing.

Ms. Dionne provided samples of slides that could be used for Channel 22 and the Commission chose those they thought would be appropriate.

e. Zoning Review Subcommittee – appointment of one Commission member.

Ms. Renaud offered to serve on the subcommittee.

f. RCCD quote for Phragmites (Landing/Drakeside Road) and Japanese Knot Weed (Ice Pond) Control.

Ms. Dionne stated that it would cost \$650 to spot treatment plants and \$500 to tackle the Japanese Knot Weed. Part of these costs would applied towards the permits and licenses. The Commission agreed not to go forward with either project.

CONSERVATION COORDINATOR and CHAIR UPDATE

Island Path:

Ms. Dionne reported that the Special Wetlands Permit has lapsed for the property on Island Path. There is no extension and a new Special Permit will be required prior to beginning the remediation work. The applicant wanted to know if the Commission would allow them to complete the remediation work and start on the proposed duplex at the same time. The last permit required that remediation work be done prior to construction of the duplex. Mr. Diener said, without looking at the project, he is not comfortable with making a recommendation and the applicant should come in and fill out an application for a new Special Wetlands Permit.

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Ice Pond Update:

Mr. Diener stated that Stevens Engineering did not provide a separate estimate for bid documents. Originally, the RFP was to include the bid documents. The contract extension was signed in 2012 and it was agreed that if there were cost increases, the Commission would be notified in writing before the work was done. They did not notify and there was an additional charge of \$4900 for additional work. They were also paid to identify and apply for permits. After applying for a NH Dam Bureau permit for the dam, Stevens found they did not need it; however, did not refund the permit fee. Town Manager Welch sent a letter to Stevens regarding the above. The Commission was told that they would be required to hire an Architectural Historian to determine if the Dam belongs on the National Register. Mr. Diener noted there are no records or permits. The NHDES and Army Corps are coming out to look at the site. There are many questions still needing answers.

Town Forest Master Plan. Mr. Diener suggested a Public Hearing be held. Mr. Tilton will take the lead in starting work on a Master Plan for the Town Forest.

Rain Garden sign. Mr. Diener noted that funds are needed to replace the Rain Garden sign at the Library. The Commission voted to expend the funds to reproduce the sign.

Salt Marsh Report. Mr. Diener spoke about the draft of the Salt Marsh Report which measures growth of the salt marsh, which is increasing about 2 – 4 millimeters a year. This will soon encroach on properties. A discussion of this matter is needed and a policy set up. He recommends the Commission begin addressing this issue in the near future.

TREASURER's Report. Ms. Renaud

Ms. Renaud provided the First Quarterly Report of 2015. She reported that the money from the Warrant Article has been received. Further, the Ice Pond Dam permit and engineering fees have been paid in the amount of \$7,976.57.

OTHER BUSINESS

Ms. Woolsey stated she would like to get the pit in the Town Forest filled in and resolve the problem with unauthorized and unsupervised target practicing.

Mr. Page suggested putting up a sign at Page's Meadow regarding dog waste.

Ms. Dionne reported that Rain Barrels will be auctioned off on May 16th.

ADJOURMENT:

MOTION: Mr. Page moved to adjourn the meeting at 10:07 p.m.

SECOND: Ms. Renaud

VOTE: 6 in favor

MOTION PASSED

The next meeting of the Conservation Commission will be held on MAY 26, 2015

Respectively Submitted:

Anne Marchand, Recorder